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PATENT

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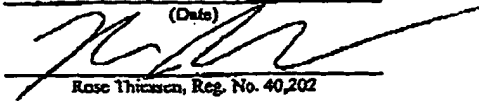
Applicant : Shults, et al.  
Appl. No. : 09/489,588  
Filed : January 21, 2000  
For : DEVICE AND METHOD FOR  
DETERMINING ANALYTE  
LEVELS  
Examiner : Nasser, R.  
Group Art Unit : 3736

## CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this correspondence and all  
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9302 of the USPTO on the date shown below:

August 21, 2003

(Date)



Rose Thomsen, Reg. No. 40,202

INTERVIEW SUMMARY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants appreciate the telephonic interview of August 1, 2003, between Examiner Nasser and Applicants' representatives Laura Johnson and James Brauker.

During the interview Applicants' proposed amendment (including pending claims 29-42, 44-52, 54-62, 64, 66-68, 70-71 and new claims 72-363) was discussed. Applicants proposed amending pending independent claims or adding new independent claims (collectively 29, 47, 57, 66, 70, 89, 123, 157, 189, and 253) to incorporate allowable subject matter into independent format. Examiner Nasser agreed that the proposed amendments to the claims properly described the location of the bioprotective membrane, which is more distal to the housing than the oxidase impregnated membrane, and therefore would overcome the pending section 112, second paragraph, claim rejections. Additionally, Examiner Nasser agreed that the deletion of the term "continuous" from selected claims in the proposed amendment would overcome the pending section 112, first paragraph, claim rejections. Agreement was reached as to the allowability of the claims as in the proposed amendment.



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Conclusion

Should the Examiner have any concerns that might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number below.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 8/21/03

By: 

Rose M. Thiessen  
Registration No. 40,202  
Attorney of Record  
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